

Attorney Docket DX-3 (#90545)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of:

Application Serial No. 75/701,707

Mark: Drawing of a Marine Heat Exchanger

Published in the Official Gazette at Page TM 400 on May 9, 2000

DURAMAX MARINE, LLC

Opposer,

V.

R.W. FERNSTRUM & COMPANY,

Applicant

Opposition No. 91119899

BOX TTAB – No fee

Commissioner for Trademarks

2900 Crystal Drive

Arlington, Virginia 22202-3513

**STIPULATED REQUEST FOR RESCHEDULING DATES OF TRIAL
PROCEEDINGS**

Opposer Duramax Marine, LLC (hereinafter “Duramax Marine”) and applicant

R.W. Fernstrum (hereinafter “Fernstrum”), by and through their undersigned counsel,

hereby stipulate to an extension of all trial proceedings, as follows:

Testimony period for party in position of plaintiff
to close

May 28, 2004

Testimony period for party in position of defendant
to close (opening thirty days prior thereto)

July 31, 2004

Rebuttal testimony period to close
(opening fifteen days prior thereto)

September 15, 2004

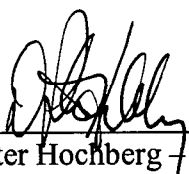
04-19-2004

Opposer and Applicant request this rescheduling of trial proceedings in order to accommodate scheduling problems. Opposer and Applicant respectfully request that the Board approve this stipulation and reschedule the proceedings as detailed above.

One of the attorneys for Applicant, Marc A. Bergsman, granted his consent to this Stipulated Extension via email on April 16, 2004.

Respectfully submitted,

Date: April 16, 2004



D. Peter Hochberg – Attorney for Opposer
Reg. No. 24,603
D. PETER HOCHBERG CO., L.P.A.
The Baker Building, 6th Floor
1940 East 6th Street
Cleveland, Ohio 44114
(216) 771-3800

Via (4/16/04) email consent

Marc A. Bergsman – Attorney for Applicant
Dickinson Wright PLLC
1901 L Street, N.W. – Suite 800
Washington, D.C. 20036-3506
(202) 457-0160

CERTIFICATE OF MAILING AND SERVICE

The undersigned hereby certifies that the STIPULATED REQUEST FOR RESCHEDULING DATES OF TRIAL PROCEEDINGS is being deposited in the United States postal service, as Express Mail (No. EV203146915US), in an envelope addressed to: Box TTAB – No fee, Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia, 22202-3513 and by regular U.S. Mail, postage prepaid, to counsel for Applicant, Marc Bergsman, Dickinson Wright PLLC, 1901 L Street, N.W. – Suite 800, Washington, D.C. 20036-3506, on the date shown below.

Date: April 16, 2004



Sean Mellino